IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7654 OF 2004

WITH

WRIT PETITION NO.7645 OF 2004

WITH

WRIT PETITION NO.7727 OF 2004

WITH

WRIT PETITION NO.7759 OF 2004

WITH

WRIT PETITION NO.7770 OF 2004

WITH

WRIT PETITION NO.7788 OF 2004

WITH

WRIT PETITION NO.7790 OF 2004

WITH

WRIT PETITION NO.7804 OF 2004

WITH

WRIT PETITION NO.7805 OF 2004

WITH

WRIT PETITION NO.7806 OF 2004

WITH

WRIT PETITION NO.7699 OF 2004

WITH

WRIT PETITION NO.7791 OF 2004

WITH

WRIT PETITION NO.8470 OF 2004

WITH

WRIT PETITION NO.8471 OF 2004

WITH

WRIT PETITION NO.7700 OF 2005

WITH

WRIT PETITION NO.7701 OF 2005

WITH

CIVIL APPLICATION NO.3069 OF 2005

IN

WRIT PETITION NO.8876 OF 2004

Godavari Marathwada Patbandhare
Vikas Mahamandal .. Petitioner

Vs.

The State of Maharashtra and Ors.. Respondents

Mr.T.B.Bhosale for the petitioner

Mr.P.N.Joshi for the respondent

Ms.Vaidehi Mhaispurkar, A.G.P. for the state

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. The present petition is filed by one

Godavari Marathwada Irrigation Development Corporation. By the said petition, the petitioners are challenging the orders passed by the Special Land Acquisition Officer dt.20.9.03 under section 28(A) of the Land Acquisition Act for giving benefit of enhancement of compensation as determined by the Civil Court in favour of other parties whose land has been acquired.

2. It is the case of the petitioner that they are not been heard in the said proceeding under section 28(A) of the Land Acquisition Act which has been determined by the Special Land Acquisition Officer. The provisions of section 28(A) is applied only after acquisition is completed and judgement in Land Acquisition reference is delivered by enhancing the compensation in favour of one of the parties affected by such acquisition. In the present case, the acquisition proceeding have commenced by notification issued under Section 4 of the Land Acquisition Act on 31.3.83 and notification under section 6 of the same Act was issued on 31.10.85. The possession of land was taken by the government on 10.12.85 and an award

has been declared by the SLAO on 30.10.87. Thereafter reference was made by the some of the affected persons u.s.18 and the same was decided by the Civil Court by passing an order and judgement on 7.4.95. Admittedly, the petitioner has come into existence only on 1.10.98 as mentioned in para 1 of the petition. Thus the petitioner was not in existence till the entire acquisition proceeding was completed and till the enhanced compensation is awarded by the Civil Court under the provision of s.18 of the Land Acquisition Act. In that view of the matter, the contention of the learned counsel for the petitioner that for the purpose of giving a similar benefit to other parties who are also affected by the same award under the provision of s.28(A) petitioner ought to have been heard has no merits. Petitioner is not concerned with the acquisition proceeding which has been completed prior to the petitioner came into existence. It cannot be said that the acquisition was for the benefit of the petitioner and thus, it is acquiring body and therefore, it should be heard. The acquisition proceedings is already concluded much prior to incorporation of the petitioner and

therefore, contentions raised by the petitioner are without merits. In that view of the matter, there is not substance in the present petition. Petition is accordingly dismissed. In view of dismissal of the petition, Civil Application does not survive. The same is also dismissed